

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

File No. 1:03-CR-132

vs.

Hon. David W. McKeague

JAMES R. NEKVASIL, JR., et al.

Defendants.

_____/

**AMENDED FINAL ORDER OF FORFEITURE RE: \$40,000 UNITED
STATES CURRENCY IN LIEU OF REAL PROPERTY
479 IRONWOOD, NILES, MICHIGAN**

WHEREAS, this Court entered a Preliminary Order of Forfeiture on October 26, 2004, forfeiting Defendants' interest in the real property 479 Ironwood, Niles, Michigan (the "real property") pursuant to Title 18, U.S.C. §§ 982(a)(1) and 982(a)(2).

WHEREAS, a Notice of Forfeiture for Publication was duly published in the Herald-Palladium, the Dowagiac Daily News and the South Bend Tribune, newspapers of general circulation in Berrien and Cass County, Michigan, and St. Joseph County, Indiana pursuant to Rule C(4) of the Supplemental Rule of Admiralty and Maritime Claims.

WHEREAS, notice was served upon third parties having an interest in the real property. Petitioner James R. Nekvasil, Sr. filed a timely petition alleging an interest in the real property and seeking an amendment of the Preliminary Order of Forfeiture.

WHEREAS, on April 22, 2005, the parties entered into a Stipulation and Settlement Agreement whereby James R. Nekvasil, Sr. would submit \$40,000 to the United States to be forfeited in lieu of the real property.

WHEREAS, on May 6, 2005, Petitioner Nekvasil, Sr. complied with the settlement agreement and submitted \$40,000 to the United States.

NOW THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

1. That judgment of forfeiture be entered against the \$40,000 United States currency forfeited in lieu of the Real Property 479 Ironwood, Niles, Michigan.
2. That the defendant currency is hereby forfeited to the United States of America pursuant to Title 21, U.S.C. § 853 and Title 18, U.S.C. §§ 982(a)(1) and 982(a)(2).
3. That the United States Treasury Department (Internal Revenue Service) is hereby directed to dispose of the currency according to applicable law and regulations and by transferring the currency to the victim, Sobieski Bank.

Dated: August 24, 2005

/s/ David W. McKeague

DAVID W. MCKEAGUE

United States Circuit Judge*

*Hon. David W. McKeague, United States Circuit Judge, Sixth Circuit Court of Appeals, sitting by designation.